

KAUAI PLANNING COMMISSION
REGULAR MEETING

Tuesday, December 8, 2015

9:00 a.m. or Soon Thereafter
Līhu'e Civic Center, Moikeha Building
Meeting Room 2A-2B
4444 Rice Street, Lihue, Kauai, Hawai'i

AGENDA

- A. **CALL TO ORDER**
- B. **ROLL CALL**
- C. **APPROVAL OF AGENDA**
- D. **MINUTES of the meeting(s) of the Planning Commission**
 - 1. Meeting of October 27, 2015
 - 2. Meeting of November 10, 2015
 - 3. Excerpt Minutes of Meeting of November 24, 2015 re ZA-2016-2 = *Kauai County Council*
- E. **RECEIPT OF ITEMS FOR THE RECORD**
- F. **HEARINGS AND PUBLIC COMMENT** (Noticed hearings will not commence until 9:00 a.m. or soon thereafter.) Individuals may orally testify on items on this agenda during the Public Comment Period. Please call the Planning Department prior to the meeting or notify Commission Staff at the meeting site. Testimony shall also be accepted when the agenda item is taken up by the Commission. However if an individual has already testified during this period, additional testimony at the agenda item testimony may be allowed at the discretion of the Chair. Testifiers shall limit their testimony to three (3) minutes, but may be extended longer at the discretion of the Chair. Written testimony is also accepted. An original and twelve (12) copies of written testimony can be hand delivered to the Planning Department or submitted to Commission Staff at the meeting site.
 - 1. **Continued Agency Hearing** (NONE)

F. HEARINGS AND PUBLIC COMMENT (Cont'd)

2. New Agency Hearing

- a. Class IV Zoning Permit Z-IV-2016-7 and Variance Permit V-2016-1 to deviate from the requirements noted in Section 8-9.2(a) of the Kauai County Code (1987) relating to land coverage within the Open (O) zoning district, affecting a parcel located along the mauka side of Kukuna Road in Aliomanu, situated approx. 900 ft. north of its intersection with Aliomanu Road and immediately adjacent to a residence identified as 5139 Kukuna Road, Tax Map Key 4-9-005:015, and containing a total land area of 3 acres = ***Marty J. Kahn Trust & Carole Ann Kahn Trust***. [Director's Report received 11/24/15.]
 1. Supplemental No. 1 Director's Report pertaining to this matter.
 2. Planning Department's Proposed Findings of Fact, Conclusions of Law and Decision and Order by Mauna Kea Trask and Jodi Higuchi Sayegusa, Attorneys for Respondent, Planning Department, County of Kauai.
- b. Class IV Zoning Permit Z-IV-2016-6 and Use Permit U-2016-6 to operate a cabaret/night club at the Kauai Brewery location in Lihue Town, situated along the western side of Rice Street and approx. 150 ft. west of the Kalena Street/Rice Street intersection, further identified as 4265 Rice Street, Tax Map Key 3-6-009:034, and containing a total area of 5,000 sq. ft. = ***Kauai Brewers LLC***. [Director's Report received 11/24/15.]
 1. Supplemental No. 1 Director's Report pertaining to this matter.

3. Continued Public Hearing

- a. Zoning Amendment ZA-2016-1 to amend Chapter 10 of the Kauai County Code 1987, as amended, to allow for additional rental units to be constructed and used within the Puhi, Lihue and Hanamaulu areas to help achieve housing demands identified in the Lihue Development Plan = ***County of Kauai, Planning Department***. [Hearing continued 11/24/15.]
 1. Supplemental No. 1 Director's Report pertaining to this matter.

G. CONSENT CALENDAR

1. **Status Reports** (NONE)
2. **Director's Report(s) for Project(s) Scheduled for Agency.** (NONE)

H. EXECUTIVE SESSION

1. Pursuant to Hawaii Revised Statutes Sections 92-5(a)(2 and 4), the purpose of this executive session is to discuss matters pertaining to the evaluation of the Planning Director over the past and current fiscal year and to discuss upcoming fiscal year goals. This session pertains to the Planning Director's evaluation where consideration of matters affecting privacy will be involved. Further, to consult with legal counsel regarding powers, duties, privileges and/or liabilities of the Planning Commission as it relates to the evaluation of the Planning Director.

I. GENERAL BUSINESS MATTERS (NONE)

J. COMMUNICATION (For Action)

1. Letter (11/10/15) from Jonathan Chun, Esq., withdrawing permits for Project Development Use Permit PDU-2013-15, Class IV Zoning Permit Z-IV-2013-17, Use Permit U-2013-14 and Special Permit SP-2013-05, Tax Map Key (4) 5-2-013:001 = *The Resonance Project Foundation*.

K. COMMITTEE REPORTS

1. **Subdivision** Subdivision Action matters listed in the Subdivision Committee Agenda (attached)

L. UNFINISHED BUSINESS (For Action)

M. NEW BUSINESS

1. **For Action – See Agenda F for Project Descriptions**

N. ANNOUNCEMENTS

1. Topics for Future Meetings
2. The following scheduled Planning Commission meeting will be held at 9:00 a.m., or shortly thereafter at the Lihue Civic Center, Moikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Lihue, Kauai, Hawai'i 96766 on **Tuesday, January 12, 2016**.

O. ADJOURNMENT

EXECUTIVE SESSION: The Commission may go into an executive session on an agenda item for one of the permitted purposes listed in Section 92-5(a) Hawaii Revised Statutes (“H.R.S.”), without noticing the executive session on the agenda where the executive session was not anticipated in advance. HRS Section 92-7(a). The executive session may only be held, however, upon an affirmative vote of two-thirds of the members present, which must also be the majority of the members to which the board is entitled. HRS Section 92-4. The reason for holding the executive session shall be publicly announced.

NOTE: Special accommodations and sign language interpreters are available upon request five (5) days prior to the meeting date, to the County Planning Department, 4444 Rice Street, Lihue, Hawaii 96766. Telephone: 241-4050.

KAUA'I PLANNING COMMISSION
SUBDIVISION COMMITTEE MEETING

Līhu'e Civic Center, Mo'ikeha Building
Meeting Room 2A-2B
4444 Rice Street, Līhu'e, Hawai'i 96766

Tuesday, December 8, 2015, 8:30 A.M.

AGENDA

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

D. MINUTES of the meeting(s) of the Subdivision Committee

1. Meetings of September 8, 2015 & November 24, 2015

E. RECEIPT OF ITEMS FOR THE RECORD

F. HEARINGS AND PUBLIC COMMENT

Individuals may orally testify on items on this agenda during the Public Comment Period. Please call the Planning Department prior to the meeting or notify Commission Staff at the meeting site. Testimony may also be accepted when the agenda item is taken up by the Commission at the discretion of the Chair. Testifiers shall limit their testimony to three (3) minutes, but may be extended longer at the discretion of the Chair. Written testimony is also accepted. An original and twelve (12) copies of written testimony can be hand delivered to the Planning Department or submitted to Commission Staff at the meeting site.

G. GENERAL BUSINESS MATTERS

H. UNFINISHED BUSINESS

I. NEW BUSINESS (For Action)

1. Tentative Subdivision Action
 - a. Subdivision Application No. S-2016-5
(Pila'a International/West Beach Kaua'i LLC.)
Proposed 3-lot Boundary Adjustment
TMK: 5-1-004:008, 014, 032
Pila'a, Kaua'i
 1. Subdivision Report pertaining to this matter.

I. NEW BUSINESS (For Action) Continued

1. Tentative Subdivision Action (Cont'd)

- a. Subdivision Application No. S-2016-7
(Frances J. Acoba, et. al.)
Proposed 2-lot Subdivision
TMK: 2-3-004:006
Kalāheo, Kauaʻi

1. Subdivision Report pertaining to this matter.

- b. Subdivision Application No. S-2016-8
(Kakuda Brothers LLC.)
Proposed 2-lot Boundary Adjustment
TMK: 2-7-006:087, 141
ʻŌmaʻō, Kauaʻi

1. Subdivision Report pertaining to this matter.

2. Final Subdivision Action

- a. Subdivision Application No. S-2016-3
(Judith C. Page Trustee, et. al.)
Proposed 2-lot Consolidation
TMK: 1-9-002:0252
Hanapēpē, Kauaʻi

1. Subdivision Report pertaining to this matter.

J. ADJOURNMENT

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